

The Honorable _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT HENICKSMAN,

Plaintiff,

No. _____

V.

NOTICE OF REMOVAL

PACIFIC REAL ESTATE ASSOCIATES,
INC. d/b/a PACIFIC REALTY PROPERTY
MANAGEMENT,

Defendant.

Pursuant to 28 U.S.C. §1446(a), Defendant Pacific Real Estate Associates, Inc. d/b/a Pacific Realty Property Management (“Defendant”) submits this Notice of Removal and states:

STANDARD

1. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

2. To remove a case from state court to federal court, a defendant merely needs to file a notice of removal "containing a short and plain statement of the

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1 grounds for removal.” 28 U.S.C. §1446(a); *Dart Cherokee Basin Operating Co., LLC v.*
2 *Owens*, 135 S. Ct. 547, 551, 190 L. Ed. 2d 495 (2014).

3 **FEDERAL QUESTION JURISDICTION**

4 3. Federal district courts have “original jurisdiction of all civil actions
5 arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

6 4. Pursuant to 28 U.S.C. § 1367, “in any civil action of which the
7 district courts have original jurisdiction, the district courts shall have supplemental
8 jurisdiction over all other claims that are so related to claims in the action within such
9 original jurisdiction that they form part of the same case or controversy . . .”

10 5. In his Second Cause of Action, Plaintiff alleges unpaid overtime
11 wages and commissions in violation of the Fair Labor Standards Act, 29 USC § 206.

12 6. Therefore, this Court has original jurisdiction on the basis of federal
13 question jurisdiction under 28 U.S.C. § 1331 and 29 U.S.C. § 185 and supplemental
14 jurisdiction over any state law claims under 28 U.S.C. § 1367. Therefore, this action is
15 removable under 28 U.S.C. § 1441.

16 **INTRADISTRICT ASSIGNMENT**

17 7. Plaintiff originally filed this action in the Superior Court for the
18 State of Washington for the County of Pacific.

19 8. Pursuant to 28 U.S.C. § 1441(a), venue is proper in this district and
20 this division, because it encompasses the county in which this action has been pending.

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CONCLUSION

WHEREFORE, Defendant Pacific Real Estate Associates, Inc. d/b/a Pacific Realty Property Management respectfully requests that this action be removed to this Court in its entirety.

Dated this 27th day of March, 2017.

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By s/ Megan J. Crowhurst
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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2017 I served the foregoing **NOTICE**

OF REMOVAL on:

- by **electronic** means through the Court's Case Management/Electronic Case File system, which will send automatic notification of filing to each person listed above.
- by **mailing** a true and correct copy to the last known address of each person listed. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- by causing a true and correct copy to be **hand-delivered** to the last known address of each person listed. It was contained in a sealed envelope and addressed as stated above.
- by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- by **faxing** a true and correct copy to the last known facsimile number of each person listed, with confirmation of delivery. It was addressed as stated above.
- by **emailing** a true and correct copy to the last known email address of each person listed, with confirmation of delivery.

s/ Megan J. Crowhurst

Megan J. Crowhurst

Attorneys for Defendants

Pacific Real Estate Associates, Inc. d/b/a Pacific Realty Property Management

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